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C O N F I D E N T I A L SECTION 01 OF 03 BEIJING 023355

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SUBJECT: BEIJING'S TAIWAN WATCHERS WARN OF CONSTITUTIONAL
LINES IN THE SAND

Classified By:

Classified by Ambassador Clark T. Randt, Jr. Reasons
1.4 (b/d).

Summary

11. (C) Beijing-based Taiwan scholars fully expect Chen Shui-bian to try to cause problems in cross-Strait relations to further his own political interests between now and summer 2007. Beijing does not believe that Chen will have the necessary support to pass a new Constitution, but is concerned that Chen would use the debate over a new Constitution to provoke China, call a referendum or otherwise "stir up trouble" that would threaten cross-Strait stability. Questioned closely on Beijing's possible red lines with regard to a new Constitution, several scholars stated that any new Constitution would mean de jure independence and would be unacceptable to the Mainland. Others described Beijing's red line as unclear, but said that Chen is determined to push Beijing to the brink of its patience, which they said is "a dangerous game." Noting that Beijing is staying quiet in order not to influence Taiwan political dynamics, scholars stressed the importance of "active" U.S. efforts to rein in Chen. They assessed that the 2008 Presidential race is still wide open and that KMT leader Ma Ying-jeou is not a shoo-in.

Beijing Wary of Chen Surprise

12. (C) Visiting Washington analysts and poloff met with several Beijing-based scholars who work on cross-Strait issues, including CASS scholars Xu Shiquan and Tao Wenzhao, China Reform Forum Deputy Secretary General Cao Huayin, CCP Party School scholar Guo Jianping and People's University scholar Huang Jiashu to discuss Mainland views of cross-Strait relations and developments on Taiwan. Xu and Tao, who accompanied (along with Tsinghua University Law School Dean Wang Zhenmin) Taiwan Affairs Office Director Chen Yunlin to the United States in September, rejected the notion that Chen Shui-bian's current political troubles have "put him in a box." Pointing to Chen's recent statements about creating a "second republic," Xu and Tao warned that Beijing was not simply being alarmist in anticipating trouble. Huang predicted that Chen will use the process of constitutional reform to aggravate both cross-Strait and U.S.-China relations over the coming year.

13. (C) Scholars we spoke with doubted that Chen could get a new constitution through Taiwan's legislature, believing that the KMT would block it in the procedures committee. They broadly expected, nevertheless, that Chen would resort to extreme measures to promote a new constitution, including calling for a referendum. Xu suggested that Chen's recent reference to freezing the current constitution and forming a "second republic" was an attempt to repeat the strategy used for what Xu termed Chen's "abolishing" the National Unification Council and Guidelines earlier this year.

14. (C) Xu described Chen as a shrewd, opportunistic politician who could manufacture and take advantage of an atmosphere of crisis. Cao noted that the unsettled political climate in Taiwan, in which splits were appearing among the Pan-Green and Pan-Blue camps, would likely work in Chen's favor in this regard. Huang Jiashu said Chen would seek a formula for constitutional change that appealed to Washington and to Taiwan's mainstream public, but at the same time would provoke Beijing and put Taiwan opposition parties on the defensive. Chen is "very determined" to act on constitutional reform and sees it as the only way to change the domestic debate on Taiwan, Tao commented.

15. (C) These Chinese Taiwan-watchers stressed Chen's role as a provocateur and the need to further restrain him, but did not offer ideas to the visiting analysts on specific steps or draft constitutional language

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that a more pragmatic Chen might pursue. Xu suggested that Chen might seek a new constitution that appeared to avoid sensitive, high-profile sovereignty issues, but would engage in "word games" throughout the document to advance his agenda. Xu, Huang, Tao and Guo all warned that the DPP already has several draft versions of a new Constitution and that Chen and his Party would preview one version, but introduce another. Neither Xu nor other scholars offered specific examples, however, of potential problem areas

16. (C) All the scholars we spoke with indicated that any new constitution draft would be problematic for Beijing. Huang Jiashu said that Chen may seek to use a West German model in which the original constitution intended for the whole country would be "frozen" until such time as unification had become possible and be replaced in the interim with a temporary basic law, which in this case would essentially be a new constitution. Huang described this as a "dangerous step" that might keep the "Republic of China" name, but eliminate the "one China" essence of the current constitution. Xu asserted that the key for Beijing is to avoid a new constitution, even if wholly focused on good governance issues, and urged that Washington insist that changes be limited only to selected good governance amendments to the current constitution that do not touch upon sensitive sovereignty issues such as name and territorial changes. When pressed to explain what made the current constitution a "one China" document, Xu and Huang stressed the historical circumstances of its formulation on the mainland in 1947, and that a creating new document inevitably would break these ties and change the status quo.

Chinese Urge U.S. To Actively Restrain Chen

17. (C) Chinese scholars across the board underscored

their desire for a tough U.S. posture toward potential Chen moves on the constitution, asserting that Beijing has already made too many concessions. Huang's view is that Beijing has taken a light hand in responding to recent developments on Taiwan and has reversed longstanding opposition to Washington's involvement, but said that the current leadership is facing significant domestic blowback for doing so. "Chen, like Kim Jong-Il, is prone to brinksmanship," Huang stated. To prevent a crisis, Chen needs to be deprived of the vehicle for pursuing his goal, since the process is as dangerous as the goal itself. "Chinese leaders will not be able to ignore public calls to react on the Taiwan issue," Huang said.

18. (C) Tao noted what he described as the strong U.S. Government reaction to Chen's October 15 reference to a "second Republic of China" and commented that both Beijing and Washington are closely watching Chen's actions. Tao said Beijing understands that Chen will become more dangerous if cornered and that he will make good use of any Mainland reaction to his "provocations." China will try to exercise restraint, he said, but the U.S. role is "key."

Beijing Believes its Outreach is Effective

19. (C) Several scholars were quick to blame Taiwan's political system and its immaturity for the current woes and played down the possibility that Beijing would need to make political concessions to improve relations over the long term. They highlighted the potential for cross-Strait exchanges, but blamed Chen and Taiwan's politics for the lack of progress. Guo noted that the 2008 Beijing Olympics offered an opportunity to reach out to Taiwan, but said that Chen had scotched joint Olympics-related projects. Cao claimed that Beijing's economic concessions and outreach to opposition Taiwan politicians are having a substantial positive impact on Taiwan attitudes toward the Mainland.

10. (C) In discussing the 2008 Presidential race in Taiwan, scholars emphasized that the race is still wide open and that KMT leader Ma Ying-jeou is not a shoo-in. They nevertheless believe that once another leader beyond Chen takes power in Taiwan, the status quo should be maintained more easily and relations

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will develop more smoothly. They recognize, though, that Chen's departure will not, in and of itself, bring about a quick resolution of the Taiwan issue.

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